

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES BURDSALL,

Plaintiff,

v.

WEST WHITELAND TOWNSHIP, et al.,

Defendants.

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CIVIL ACTION

NO. 18-3188

ORDER

AND NOW, this __28th____ day of May, 2019, upon consideration of Defendants West Whiteland Township and West Whiteland Township Police Department’s Motion to Dismiss Plaintiff’s Complaint (“Motion”) (Doc. 6), and Plaintiff’s Response (Doc. 19) thereto, **IT IS HEREBY ORDERED AND DECREED** that Defendants’ Motion is **GRANTED** as follows¹:

1. Count I against West Whiteland Police Department is **DISMISSED WITH PREJUDICE**;
2. Count I against West Whiteland Township is **DISMISSED WITHOUT PREJUDICE**;
3. Count II against West Whiteland Police Department and West Whiteland Township is **DISMISSED WITH PREJUDICE**;
4. Count III against West Whiteland Police Department and West Whiteland Township is **DISMISSED WITH PREJUDICE**;

¹ This Order accompanies the Court’s Memorandum Opinion dated May __28____, 2019.

5. Count IV against West Whiteland Police Department and West Whiteland Township is **DISMISSED WITH PREJUDICE**;
6. Within **twenty-one (21) days** of the date of this Order, Plaintiff shall file an amended complaint properly setting forth the factual basis for his Section 1983 claims—Count I—against Defendant West Whiteland Township;
7. Defendant Bulldog Rod & Custom, LLC’s Motion to Dismiss Plaintiff’s Complaint (Doc. 4) is **DENIED AS MOOT** in light of Plaintiff being granted leave to file an amended complaint;
8. Defendant Leah M. Cesanek’s Motion to Dismiss Plaintiff’s Complaint (Doc. 13) is **DENIED AS MOOT** in light of Plaintiff being granted leave to file an amended complaint; and
9. Defendant Leah M. Cesanek’s Motion for Leave to File Reply Brief (Doc. 15) is **DENIED AS MOOT** in light of Plaintiff being granted leave to file an amended complaint.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.